

A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 9, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO TERMINATE RECYCLING RESIDUE DISCOUNT.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to end financial support to private, commercial recycling companies disposing of recycling residue at H-POWER or Waimanalo Gulch Sanitary Landfill.

SECTION 2. Section 9-4.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 9-4.2 Disposal charges for businesses and federal, state and city agencies.

- (a) Unit Charges for Disposal. For the receipt and disposal of refuse and other solid wastes delivered to disposal facilities by any business or any federal or state agency, the following unit charges shall apply:

Disposal Facility	Unit Charge (per ton)	Unit Charge (per cubic yard or fraction thereof)
H-POWER	\$81.00	\$25.25
Transfer Stations	\$110.60	\$34.50
Landfills	\$81.00	\$25.25
Transshipment Facilities	\$81.00	\$25.25

- (b) Minimum and Special Charges.

- (1) Minimum Charges. The minimum charge per truckload shall be equal to the unit charge per cubic yard. The unit charge per cubic yard will be assessed only in the event of a breakdown or unavailability of weighing equipment at the disposal facility.
- (2) Special Charges. All special charges will apply to businesses, and federal and state agencies.



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- (A) Landfill. In addition to the unit charges established in this section, a charge per truckload for special wastes requiring special handling or arrangements by the city's or operating contractor's employees for proper disposal at landfills shall be imposed as follows:

Special Handling Charge
\$84.25

- (B) H-POWER. In addition to the unit charges established in subsection (a), a per ton and a per hour charge for waste delivered to the H-POWER facility requiring special handling or arrangements by the H-POWER contractor's employees shall be imposed as follows:

Per Ton Charge

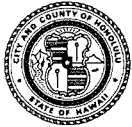
DISPOSAL AREA	Special Handling Per Ton Charge	Minimum Load Charge
Auger Bin	\$540.00	\$270.00
RDF Storage Floor	\$440.00	\$220.00
MSW Storage Floor	\$320.00	\$210.00

The charge per ton or minimum load charge, whichever is greater, shall be assessed against each business or agency served. In addition to this assessment, there shall be a per hour charge as specified below:

Per Hour Charge

DISPOSAL AREA	Special Handling Per Hour Charge
Auger Bin	\$250 per hour or fraction thereof
RDF Storage Floor	\$25 per hour or fraction thereof per H-POWER contractor's employee
MSW Storage Floor	\$25 per hour or fraction thereof per H-POWER contractor's employee

- [(c) The unit charge per ton or per cubic yard for residue from recycling operations shall be discounted to 50 percent of the unit charge for businesses provided in subsection (a) for disposal at city disposal facilities during the July 1, 2011 to June 30, 2012 fiscal year. During the July 1, 2012 to June 30, 2013 fiscal year, the unit charge per ton or per cubic yard for residue from recycling operations

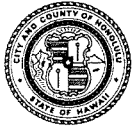


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shall be 65 percent of the unit charge for businesses provided in subsection (a) for disposal at city disposal facilities. During the July 1, 2013 to June 30, 2014 fiscal year and each fiscal year thereafter, the unit charge per ton or per cubic yard for residue from recycling operations shall be 80 percent of the unit charge for businesses provided in subsection (a) for disposal at city disposal facilities. For the purposes of this subsection, "city disposal facilities" shall mean the city's municipal solid waste landfill and the H-POWER facility, and a "recycling operation" is one that recovers post-consumer waste materials for use in new consumer products. Such recycling operations and the residue from the recycling operations shall meet all of the following conditions:

- (1) The recycling operations shall recover at least 2,000 pounds of recyclable material per month;
- (2) The recyclable material is shipped off-island or the recyclable material is incorporated into a new consumer product directly by the recycling operation;
- (3) The residue is a maximum of 25 percent of the weight of the recyclable material recovered;
- (4) The residue is a direct result of the recycling operation only;
- (5) The residue is not commingled with other waste at delivery; and
- (6) The residue does not contain any recyclable material.

Upon submission of a written request and supporting data from the owner of the recycling operation, the director shall determine whether the residue from the recycling operation is eligible for this reduced unit charge. All residue from the recycling operation shall be transported to the disposal site in the recycler's own vehicle, or if the recycler utilizes the services of another company to haul its residue for disposal, the truck used for hauling shall be so constructed as to allow ready inspection of its load before disposal. Disposal charges shall be charged directly to the recycling operation, initially at the standard rates. The reduction in disposal charges for recycling residues shall be applied after the recycling operation submits a monthly report to the director documenting types and quantities of the materials recycled and the residues resulting therefrom.]



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[(d)] (c) Exemption.

- (1) Any eleemosynary or charitable organization which has been determined by the Internal Revenue Service to qualify as a tax-exempt organization under the provisions of Section 501(c)(3) of the Internal Revenue Code and which recovers post-consumer waste materials for charitable use through a donated merchandise program, generating residue as a byproduct of its charitable function for disposal at a city disposal facility, and
- (2) Any one-day solid waste cleanup event or activity approved by the department of environmental services for the express, non-commercial benefit of the community which involves the collection of litter and other solid waste from non-commercial sources and which results in the disposal and recycling of that waste,

shall be exempt from the disposal and special handling charges of subsections (a) and (b) and the fees of subsection [(e)] (d). The residue generated from a donated merchandise program run by an eleemosynary or charitable organization, pursuant to subdivision (1), and waste collected through the event or activity described in subdivision (2), which are to be disposed of at any city disposal facility, shall be clearly marked as such residue or waste, as the case may be, and shall not be commingled with any other waste.

In the event that an eleemosynary organization contracts with a private business to dispose of residue in compacted form or otherwise, the private business shall be initially charged the standard disposal fees for the disposal of the residue. The exemption to disposal fees shall be applied to the private business's account after the eleemosynary organization submits a monthly report to the chief engineer documenting dates and numbers of loads of residue dispatched to the disposal sites.

[(e)] (d) In addition to the charges outlined in subsections (a) and (b), there shall be a surcharge of 12 percent on those charges. The 12 percent surcharge shall also be applied to the charge that the city pays for disposing of refuse and other solid wastes at the H-POWER facility. [Notwithstanding the above, the surcharge shall not be applied to the charges assessed against a recycling operation. For the purposes of this subsection, a recycling operation is one that recovers post-consumer waste materials for use in new consumer products and that meets conditions (1) through (6) of subsection (c).] All charges collected in accordance



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with this subsection shall be deposited into the recycling account of the solid waste special fund established by Section 6-49.1.

- [(f)] (e) Surcharge for Recovering State and Federal Fees. In addition to the disposal charges at municipal landfills, incinerators, and transfer stations delineated in this section, the department is authorized to impose a surcharge to recover the amount of any solid waste regulatory or permit fee imposed by the state or federal government together with any administrative cost to the city for imposing and collecting said fee."

SECTION 3. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling and printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.



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SECTION 4. This ordinance shall take effect on July 1, 2013.

INTRODUCED BY:

Ann Kobayashi


Stanley Chang

DATE OF INTRODUCTION:


September 6, 2012
Honolulu, Hawaii

_____ Councilmembers

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel

APPROVED this 29th day of November, 2012.


PETER B. CARLISLE, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE **12-37**

BILL 61 (2012), FD1

Introduced: 09/06/12 By: ANN KOBAYASHI

Committee: BUDGET

Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 9, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO TERMINATE RECYCLING RESIDUE DISCOUNT.

Links: [BILL 61 \(2012\)](#)
[BILL 61 \(2012\), FD1](#)
[CR-329](#)
[CR-362](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

COUNCIL	09/12/12	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON BUDGET.				
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG Y GARCIA Y
HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y	
BUDGET	09/19/12	CR-329 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.				
PUBLISH	09/22/12	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.				
COUNCIL/PUBLIC HEARING	10/03/12	CR-329 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON BUDGET.				
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG Y GARCIA Y
HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y	
PUBLISH	10/08/12	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.				
BUDGET	10/10/12	CR-362 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.				

NOTE: EFFECTIVE NOVEMBER 1, 2012, COUNCILMEMBER ROMY M. CACHOLA, REPRESENTING COUNCIL DISTRICT VII, RESIGNED FROM OFFICE. (Refer to Communication [CC-298](#))

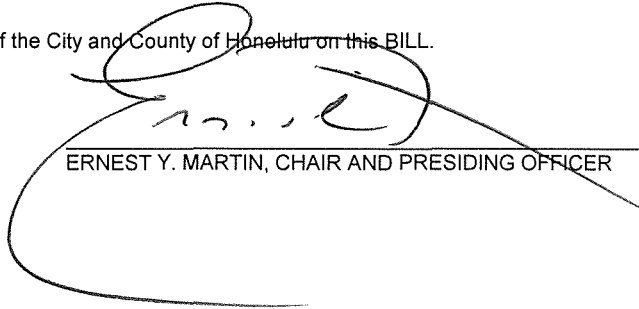
ON NOVEMBER 14, 2012, THE APPOINTMENT OF JOEY MANAHAN WAS APPROVED (Refer to [RES12-299](#)) AND HE WAS SWORN INTO OFFICE AS A MEMBER OF THE HONOLULU CITY COUNCIL REPRESENTING DISTRICT VII TO FILL THE REMAINING TERM OF FORMER COUNCILMEMBER ROMY M. CACHOLA.

COUNCIL	11/14/12	BILL AMENDED TO FD1							
ANDERSON	Y	BERG	N	CHANG	Y	GARCIA	Y	HARIMOTO	N
KOBAYASHI	Y	MANAHAN	Y	MARTIN	Y				
CR-362 ADOPTED AND BILL 61 (2012), FD1 PASSED THIRD READING.									
ANDERSON	Y	BERG	N	CHANG	Y	GARCIA	Y	HARIMOTO	Y
KOBAYASHI	Y	MANAHAN	Y	MARTIN	Y				

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



 BERNICE K. N. MAU, CITY CLERK



 ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER